# IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA.

***CWP.No. 655 of 2004***

**Date of Decision : 15.6.2007**

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Rajender Singh …Petitioner.

Versus:

State of H.P. & another …Respondents.

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***Coram*:**

**The Hon'ble Mr.Justice Sanjay Karol, Judge**.

Whether approved for reporting?[1] No

For the petitioner: Mr. Surinder Sharma, Advocate.

For the respondents. Mr. J. K. Verma, Dy. Advocate General.

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**Sanjay Karol, J (Oral).**

This judgment is being dictated in open court in presence of the learned counsel for the parties.

Petitioner herein has assailed the order dated 30th July, 2003, whereby the petitioner's claim for subsidy under the Rules framed by the State Govt. has been rejected.

The State of Himachal Pradesh framed Rules for Grant of Incentives to Tourism Industry in Himachal Pradesh, 1993 (hereinafter referred to as 'the Rules'). In terms of the Rules, incentives of various kinds were offered to various Units to set up and promote the Tourism in the State of Himachal Pradesh. Petitioner has received certain incentives

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[1] **Whether reporters of Local Papers may be allowed to see the judgment?**

in terms of the Rules, but however is aggrieved of non-disbursement of the following subsidy for capital investments :-

"(a) **SUBSIDY FOR CAPITAL INVESTMENTS.**

Special investment subsidy @10% on fixed assets out of State funds over & above the Central / State investment subsidy as admissible to general category entrepreneurs for establishment of tiny tourism unit.

(b) Rate of interest on term loan will be 3% below to term lending rate for private sectors."

Civil Writ Petition No. 612 of 1998 earlier filed by the petitioner was disposed of in terms of order dated 27th June, 2003 and the respondents were directed to take a decision with regard to the petitioner's claim and entitlement. In terms of Rule 23, the Secretary (Tourism) to the Govt. of Himachal Pradesh, considered and rejected the petitioner's claim and entitlement on the ground that in terms of Rule 14-1(a), only Tiny Tourism Unit is eligible for grant and petitioner's Unit being Small Scale Tourist Unit, is not entitled for special investment subsidy for capital investment. This in fact is the correct position which is also not disputed by the learned counsel for the petitioner. Similarly with regard to the other claim of interest, there is no provision in the Rules entitling the petitioner for the same. Consequently, I find no infirmity with the impugned order and the present writ petition is accordingly dismissed.

**( Sanjay Karol ),**
**Judge.**

**June 15, 2007.**
***(rana)***